

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TIMOTHY ROBERTSON,

Plaintiff,

v.

KITSAP COUNTY, CONMED, INC.,  
ARLEN JOHNSON, BARBARA  
MULL, SUE STEVENS, BRUCE  
KALER,

Defendants.

CASE NO. 3:15-CV-05422-RBL-DWC

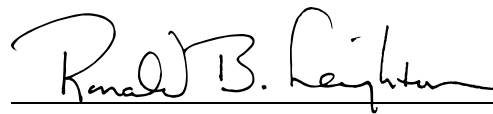
ORDER ADOPTING REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendants' Motion to Dismiss is granted-in-part and denied-in-part. Plaintiff's Fifth and Eighth Amendment claims are dismissed. All other claims remain.
- (3) Defenses to the Fourteenth Amendment claim largely appear to be factual and may be the subject of subsequent motions.

1 (4) The Clerk is directed to send copies of this counsel for both parties and to the  
2 Hon. David W. Christel.

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4 **DATED** this 8<sup>th</sup> day of December, 2015.

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7 Ronald B. Leighton  
8 United States District Judge  
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